

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 2002

By: Dorman

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6 AS INTRODUCED

7 An Act relating to public health and safety; amending  
8 63 O.S. 2001, Section 1-890.3, as amended by Section  
9 2, Chapter 53, O.S.L. 2009 (63 O.S. Supp. 2010,  
10 Section 1-890.3), which relates to the promulgation  
11 of rules to implement the provisions of the Continuum  
of Care and Assisted Living Act; modifying scope of  
rules; providing for exceptions; and providing an  
effective date.

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15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-890.3, as  
17 amended by Section 2, Chapter 53, O.S.L. 2009 (63 O.S. Supp. 2010,  
18 Section 1-890.3), is amended to read as follows:

19 Section 1-890.3 A. The State Board of Health shall promulgate  
20 rules necessary to implement the provisions of the Continuum of Care  
21 and Assisted Living Act. Such rules shall include, but shall not be  
22 limited to:  
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- 1        1. A uniform comprehensive resident screening instrument to  
2 measure the needs and capabilities of residents in all settings and  
3 to determine appropriate placements of residents;
- 4        2. Physical plant requirements meeting construction and life  
5 safety codes, with provisions accommodating resident privacy and  
6 independence in assisted living centers and in assisted living  
7 components of continuum of care facilities based on the variable  
8 capabilities of residents;
- 9        3. Staffing levels responsive to the variable needs of  
10 residents, with provisions for sharing of staff between components  
11 in a continuum of care facility;
- 12        4. Standards for measuring quality outcomes for residents;
- 13        5. Provisions for individualized services chosen by and  
14 designed for each resident;
- 15        6. Procedures for inspections and investigations of licensed  
16 entities to ensure compliance with the Continuum of Care and  
17 Assisted Living Act and rules promulgated by the Board;
- 18        7. Enumeration of resident rights and responsibilities to be  
19 observed by each facility and its staff;
- 20        8. Provisions for a surety bond or deposit from each applicant  
21 in an amount sufficient to guarantee that obligations to residents  
22 will be performed, with provisions for reduction or waiver of the  
23 surety bond or deposit when the assets of the applicant or its  
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1 contracts with other persons are sufficient to reasonably ensure the  
2 performance of its obligations;

3 9. Provisions for the development of a consumer guide or  
4 similar resource to be posted on the Internet website of the State  
5 Department of Health to assist individuals and families in  
6 understanding the services provided by assisted living centers and  
7 to compare and select a facility; ~~and~~

8 10. Provisions for posting results of routine inspections and  
9 any complaint investigations of each assisted living center on the  
10 Internet website of the Department. Such information shall be  
11 regularly updated to include the facility's plan of correction and  
12 to indicate when a violation of a licensing regulation was corrected  
13 by the facility;

14 11. Provisions requiring the availability of alternative power  
15 in assisted living centers that provide services to fifty or more  
16 individuals. Exceptions shall be allowed for assisted living  
17 centers that can demonstrate financial hardship and waivers shall be  
18 granted for assisted living centers connected by a corridor to an  
19 assisted living center with a generator; and

20 12. Provisions requiring the filing of an evacuation plan with  
21 the county emergency management department and the local fire  
22 department.

23 B. The nursing care service of a continuum of care facility  
24 shall be subject to the requirements, procedures and remedies set

1 out in the Nursing Home Care Act, including provisions relating to  
2 resident rights.

3 C. The adult day care component of a continuum of care facility  
4 shall be subject to requirements and procedures specified under the  
5 Adult Day Care Act.

6 SECTION 2. This act shall become effective November 1, 2011.

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8 53-1-5102 AM 01/18/11

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